

**REMARKS/ARGUMENTS**

**I. STATUS OF CLAIMS**

Claims 1-5, 7-26 and 28-62 remain in this application. Claims 1-5, 7-26 and 28-62 have been allowed.

**II. SUBMITTED INFORMATION DISCLOSURE STATEMENTS**

Applicant has attached copies of the IDS filed on 12/22/03 and 9/30/05 pursuant to Examiner's request as they could not be located in the file. Applicant respectfully requests that the Examiner sign and return to the Applicant IDS forms (PTO-1449) submitted by the applicant on 12/22/03 (pages 1, 3, and 4) and the IDS filed on 9/30/05.

**III. SPECIFICATION**

Applicant has amended the Specification to correct hyperlink references. Spaces have been added to certain text that could be interpreted as a hyperlink if such spaces were not present. Other references to <http://> have been removed.

**IV. MISCELLANEOUS**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: August 18, 2006

  
Kirk D. Wong  
Reg. No. 43,284

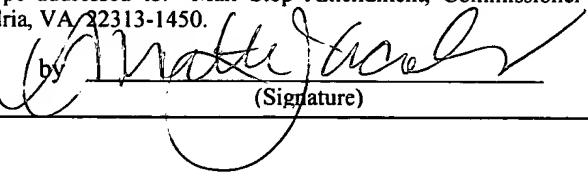
2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080 ext. 214  
Facsimile No.: (408) 414-1076

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on August 18, 2006  
(Date)

by

  
(Signature)

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## Acknowledgment Receipt

Mailing Date: December 29 2003

Attorney Docket No. 60095-0024

Serial No.: 09/909,711

Inventor(s): Eric Sven-Johan Swildens, et al.

Title: METHOD FOR DETERMINING METRICS OF A CONTENT DELIVERY  
AND GLOBAL TRAFFIC MANAGEMENT NETWORK

Attorney: KW/aj:jn

First Class Mail

### Documents Enclosed:

- 1) Information Disclosure Statement (3 pgs)
- 2) PTO 1449 (4 pgs)
- 3) 36 References Cited
- 4) Return Acknowledgment Postcard

*Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.*

UDN0020

## Acknowledgment Receipt

Mailing Date: December 29 2003

Attorney Docket No. 60095-0024

Serial No.: 09/909,711

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- 3) 36 References Cited
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UDN0020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Eric Sven-Johan Swildens, et al.	)	Confirmation No.: 2091
Serial No.: 09/909,711	)	Examiner: NYA
Filed on: July 19, 2001	)	Group Art Unit No.: 2171

For: **METHOD FOR DETERMINING METRICS OF A CONTENT DELIVERY AND  
GLOBAL TRAFFIC MANAGEMENT NETWORK**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

X 37 C.F.R. §1.97(b).

       37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

       A statement pursuant to 37 C.F.R. §1.97(e)

       1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this information disclosure statement.

\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

\_\_\_\_ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

\_\_\_\_ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: December 1, 2003



Kirk D. Wong  
Reg. No. 43,284

1600 Willow Street  
San Jose, California 95125-5106  
Telephone: (408) 414-1080  
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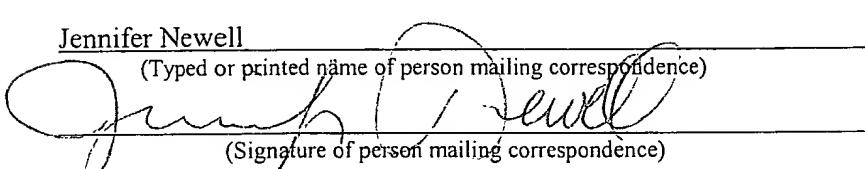
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December 1, 2003  
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
**(PTO-1449)**

ATTY. DOCKET NO.  
60095-0024

SERIAL NO.  
09/909,711

APPLICANT:  
Eric Sven-Johan Swildens, et al.

FILING DATE:  
July 19, 2001

GROUP:  
2171

**U.S. PATENT DOCUMENTS**

Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			
		5,729,689		Allard et al.	03-17-1998	
		5,774,660		Brendel et al.	06-30-1998	
		5,918,228		Rich et al.	06-29-1999	
		6,029,196		Lenz	02-22-2000	
		6,052,718		Gifford	04-18-2000	
		6,070,191		Narendran et al.	05-30-2000	
		6,078,943		Yu	06-20-2000	
		6,092,178		Jindal et al.	07-18-2000	
		6,112,239		Kenner et al.	08-29-2000	
		6,118,765		Phillips	09-12-2000	
		6,119,171		Alkhatib	09-12-2000	
		6,128,279		O'Neil et al.	10-03-2000	
		6,182,148	B1	Tout	01-30-2001	
		6,249,801	B1	Zisapel et al.	06-19-2001	
		6,292,832	B1	Shah et al.	09-18-2001	

**FOREIGN PATENT DOCUMENTS**

Exam. Initial*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				
		WO	99/29083	A1	ALCATEL USA SOURCING LP	06-10-1999		
		WO	00/22526	A1	IBM	04-20-2000		
		EP	0959601	A1	SUN MICROSYSTEMS INC	11-24-1999		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
**(PTO-1449)**

ATTY. DOCKET NO.  
60095-0024

SERIAL NO.  
09/909.711

**APPLICANT:**

**FILING DATE:**  
July 19, 2001

GROUP:  
2171

U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							
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		Office <sup>3</sup>	Number <sup>4</sup>				

Examiner Signature		Date Considered	
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Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)	Attorney Docket No.: 60095-0024	Application Number: 09/909,711
	First Named Inventor: Eric Sven-Johan Swildens, et al.	
	Filing Date: July 19, 2001	

**OTHER ART – NO PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation <sup>2</sup>
		Y. REKHTER, October 1991, IBM Corp, <a href="http://www.faqs.org/rfcs/rfc1265.html">www.faqs.org/rfcs/rfc1265.html</a> , pages 1-7.	
		BHATTACHJARJEE, S. ET AL., "Application-Layer Anycasting," Proceedings of the IEEE Infocom '97, 4/7-12, 1997, vol. 3, 7 April 1997.	
		MOORE, ET AL., "Sonar-a Network Proximity Service," IETF Internet Draft, 1996/02/23, P. 1, para. 2-4, pg. 5, para 1, 2 pg. 6, para 4-pg. 7 para 2.	
		GUYTON, ET AL., "Locating Nearby Copies of Replicated Internet Services"; Computer Communications Review, Association For Computing Machinery, New York, US< vol., 25, no. 4, 10/1/95, pages 288-298.	
		FEI, ET AL., "A Novel Server Selection Technique for Improving the Response Time of a Replicated Service," Proceedings of the IEEE Infocom '98 Conference, San Francisco, CA, vol. 2, 3/29/98, pages 793-791.	
		ZHOU, TAO, "Web Server Load Balancers". April 2000, Windows & .NET Magazine.	
		C. GRIMM, ET AL., "Load and Traffic Balancing in Large Scale Cache Meshes," 1998, Computer Networks and ISDN Systems, XP004138701, pp. 1687-1695.	
		S. PAUL, ET AL., "Distributed Caching with Centralized Control," 2001; Computer Communications, pp. 256-268.	
		JOZE RUGELJ, ET AL, "Advanced Mechanism for the Efficient Employment of Distributed Hypermedia Applications in Education," 1996, XP-002194090, 4 pages.	

Examiner Signature		Date Considered	
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## Acknowledgment Receipt

Mailing Date: September 30, 2005

Attorney Docket No. 60095-0024

Serial No.: 09/909,711

Inventor(s): Eric Sven-Johan Swildens, et al.

Title: METHOD FOR DETERMINING METRICS OF A CONTENT DELIVERY AND  
GLOBAL TRAFFIC MANAGEMENT NETWORK

Documents Enclosed:

- 1) Information Disclosure Statement (5 pgs)
- 2) PTO 1449 (1 pg)
- 3) 9 References Cited
- 4) CD-ROM Containing 9 References
- 5) Return Acknowledgment Postcard

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## Acknowledgment Receipt

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Attorney Docket No. 60095-0024

Serial No.: 09/909,711

Inventor(s): Eric Sven-Johan Swildens, et al.

Title: METHOD FOR DETERMINING METRICS OF A CONTENT DELIVERY AND  
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- 4) CD-ROM Containing 9 References
- 5) Return Acknowledgment Postcard

Attorney: KDW/aj:me  
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DATABASE  
ENTRY



processed by docketing  
no dates docketed

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UDN0020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Eric Sven-Johan Swildens, et al.	)	Confirmation No.: 2091
Serial No.: 09/909,711	)	Examiner: Frantz, Jean B.
Filed on: July 19, 2001	)	Group Art Unit No.: 2155

For: **METHOD FOR DETERMINING METRICS OF A CONTENT DELIVERY AND  
GLOBAL TRAFFIC MANAGEMENT NETWORK**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):



37 C.F.R. §1.97(b). It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).



37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

A statement pursuant to 37 C.F.R. §1.97(e)

1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

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37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

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1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

37 C.F.R. §1.97(i). Applicants are submitting references to satisfy Applicants' disclosure obligations in hopes that the references will be considered by the Examiner. Although the submission does not fully meet 37 C.F.R. §1.97, Applicant respectfully requests that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to Applicant(s). It is understood that if the Examiner does not consider the cited references, the cited documents will be placed in the file pursuant to 37 C.F.R. §1.97(i).

Accordingly, copies of the references as listed on the attached Form PTO-1449 are submitted herewith. No certification or fees are deemed necessary.



The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.



The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

**DISCLOSURE OF OFFICE ACTIONS**

U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
10/931,774	08/31/2004	06/29/2005	60095-0054

The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: September 30, 2005

  
\_\_\_\_\_  
Kirk D. Wong  
Reg. No. 43,284

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San Jose, California 95110-1089  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

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September 30, 2005  
(Date of Deposit)

Maria Eivers

(Typed or printed name of person mailing correspondence)

Maria Eivers  
(Signature of person mailing correspondence)

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

**(PTO-1449)**

**ATTY. DOCKET NO.  
60095-0024**

**SERIAL NO.  
09/909,711**

**APPLICANT:  
Eric Sven-Johan Swildens, et al.**

**FILING DATE:  
July 19, 2001**

**GROUP:  
2155**

**U.S. PATENT DOCUMENTS**

Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			
		6,167,438		Yates et al.	12-26-2000	Text on enclosed CD-ROM
		6,185,601	B1	Wolff	02-06-2001	
		2001/0049741	A1	Skene et al.	12-06-2001	
		6,330,605	B1	Christensen et al.	12-11-2001	
		2002/0026511	A1	Garcia-Luna-Aceves et al.	02-28-2002	
		6,415,335	B1	Lowery et al.	07-02-2002	
		2002/0103846	A1	Zisapel et al.	08-01-2002	
		2002/0129134	A1	Leighton et al.	09-12-2002	
		2004/0133793	A1	Ginter et al.	07-08-2004	

**FOREIGN PATENT DOCUMENTS**

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				

Examiner  
Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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